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REMARKS ON MOVING THE ADMISSION OF A CLASS OF CANDIDATES FOR THE BAR

By CHARLES P. MEGAN*

May it please the Court: I have the honor of moving the admission of these young men and young women to the bar of Illinois.

This is the first step in the process by which older lawyers turn over to the new generation the profession of which we are trustees for them, and they now for *their* successors. As fathers see their sons coming upon the field of battle, full-armed, eager for the fray, there is an agony of desire to help the young men in some great way, to pass on the wisdom of the ages, to make the fight less terrible, the outcome more sure, to give the sons what their fathers never had—security, a place in the sun, a key to the maze, opportunity without fear, a roll of honor with no casualty list, the palm of victory without the dust. We know this cannot be done, and it is better so; the young men would not thank us for a life without conflict; when all is over, they will have “lived and worked with men”; their lives will have been spent in the finest fellowship on earth, doing the most important things in the world, lives rich and full and dangerous, the lives of *men*.

It is a great fellowship, but its tests are merciless and its judgment unerring. The weak are known, and the strong, the timid and the brave, the mean and the great-hearted. Is this profession of the law, then, a great monster without heart, as cold as Fate? On the contrary, nowhere else shall we find the individual counting for so much, and the new lawyers will see, too, that the bar is friendly and helpful.

Will they also find that it is honorable and true? This is the question that cartoonists put on the front page and editorial writers in their columns. Lawyers sometimes answer too quickly, confess too much. At the recent meeting of the American Bar Association at Milwaukee, visitors observed a large painting that was hung in the lobby. It portrayed that strange medieval cult of the Flagellants—men, women, even young children, who flogged themselves cruelly for their souls’

*This brief address was made upon moving the admission of a class of candidates for the bar, in the Supreme Court of Illinois, at Springfield, October 11, 1934. Reprinted from the *American Bar Association Journal*.

sake, "a form of exalted devotion" which "occurs in almost all religions." It struck a friend of mine that this was a most appropriate subject for the keynote of a lawyers' meeting that was all too self-condemnatory. The salvation of the bar lies elsewhere—in something positive and active, in the conscience of the individual lawyers.

Let me say a word on this, and have done. The origin of the idea of conscience, something guiding us from within, not from without, is obscure. That "silent yet prophetic people who dwelt by the Dead Sea" had glimpses of it, in their moments of communion with the Most High, and in the thirteenth century of the Christian era the idea began to be generally understood, and became a dominant factor in the life of man. It is no longer regarded simply as a negative, a reproving force; it is the mainspring of our movement upward, the creative force of all professional associations that have not in them the seeds of decay. Let these young men allow the cartoonist, the editorial writer, and the public speaker to do their *thinking* for them, if they must, but I beg of them, in the name of their profession, not to let anyone do their *believing* for them. They must be assured that the courts, ever the guardians of the moral standards of the profession, will be the first to respect and sustain them in their independence.

We talk of the *quality* of a man's conscience, but we do not sufficiently reflect on the importance of the *quantity* of conscience in a community, a state, a nation, or a profession. "The Greeks," said John Morley, "became corrupt and enfeebled, not for lack of ethical science" (there were *thinkers* enough among them), "but through the decay in the numbers of those who were actually alive to the reality and force of ethical obligations." This is the true battlefield; does it not thrill us; can we not see in our mind's eye, from afar, the scene in many an obscure law office, where a brave man is proving to himself—for there are no spectators to cheer and inspire him that he will sacrifice all, that he will endure all things, sooner than give up the faith of his fathers, the ideals into which he was born.

This is what leaders of the bar reckon on, in times of stress—that when any moral question is put squarely up to

the bar the reaction is always right—no man who relied on this ever had his confidence betrayed. Here then is waiting for these young men and young women, in the hour of their country's greatest need, for the preservation and glory of their profession, a field of use for the best and most characteristic thing they have, their own most precious possession, far above all intellectual gifts, which does not fail from use, but grows ever clearer and stronger—the unspoiled conscience that came to them from on high.

If it please the Court, on behalf of the State Board of Law Examiners, I move the admission of this class to the bar.

NEW RULES OF SUPREME COURT

The Supreme Court has recently adopted four new rules and amended two, all effective April 8, 1935.

One pertains to calling a new trial judge, where the regular judge is disqualified. Another relates to the preparation of the record on review, providing particularly that the record must be presented in chronological order. Also the preparation of records from Industrial Commission which must contain a table of contents. Another allowing oral arguments on application for supersedeas where the case is to be determined on such application. One relates to the fees for examination for admission to the bar and another provides that an attorney convicted of a felony will be summarily suspended until cleared of such charge, or until the further order of this Court.

These rules are put out in the form of riders which may be placed in the rules of 1929 and copies may be had from the clerks of the district courts and the clerk of the Supreme Court.

For the general information of attorneys, Mr. F. D. Stackhouse advises us that there is now in the Law Library of the District Court, American Law Institute: publications on Contracts, 2 volumes; 2 volumes Agency; 2 volumes Tort and just received 1 volume of Restatement of the Law.